MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

In compliance with a resolution of the Senate, relating to the condition of Texas, &c.

June 24, 1836.
Read, and ordered to be printed.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 18th instant, I transmit a report from the Secretary of State, with the papers therewith presented. Not having accurate and detailed information of the civil, military, and political condition of Texas, I have deemed it expedient to take the necessary measures, now in progress, to procure it, before deciding upon the course to be pursued in relation to the newly-declared Government.

ANDREW JACKSON.

Washington, *June* 23, 1836.

Department of State,
Washington, June 23, 1836.

The Secretary of State, to whom was referred a resolution of the Senate of the 18th instant, requesting the President "to communicate to the Senate any information in his possession, not inconsistent with the public interest, touching the political condition of Texas, the organization of its Government, and its capacity to maintain its independence; and, also, any correspondence which may have taken place between the Executive of the United States and the Government of Texas, or its agents," has the honor to lay before the President the accompanying copies of papers addressed to, and left at, the Department of State, by persons claiming to be agents of the Republic of Texas; being all the information and correspondence called for by the resolution. No answers having been returned to any of these communications, they remain for further consideration, and such direction as the President shall hereafter give.

All which is respectfully presented.

JOHN FORSYTH.

To the President *of the United States.*

[Gales & Seaton, print.]

LIST.

WASHINGTON CITY, *May* 21, 1836.

SIR: The undersigned have the honor to herewith accompany the commission which has been conferred upon them by the Republic of Texas.

It is the wish and the object of the Government we represent to enter as early as possible into the most friendly relations with the United States of America.

Will you be so good as to indicate the earliest hour at which the undersigned can have a personal interview with you in their official capacity.

With sentiments of the highest consideration and respect, we are

Yours, &c.

GEO. C. CHILDRESS,
ROBT. HAMILTON.

To the Hon. JOHN FORSYTH,
Secretary of State of the U. S. of America.

EXECUTIVE DEPARTMENT
OF THE REPUBLIC OF TEXAS, *March* 19, 1836.

To all to whom these presents shall come, greeting:

Know ye that, reposing special trust and confidence in the honor, patriotism, fidelity, and abilities of George C. Childress, Esq., I, David G. Burnet, President of the Republic of Texas, have nominated, and by and with the advice and consent of my cabinet, and in pursuance of authority vested in me by law, have appointed and constituted, and by these presents do appoint and constitute, the said George C. Childress, in conjunction with Robert Hamilton, Esq., my special agent, with plenary powers to open a negotiation with the cabinet of Washington, touching the political rights of this republic; inviting, on the part of that cabinet, a recognition of the sovereignty and independence of Texas, and the establishment of such relations between the two Governments as may comport with the mutual interest, the common origin, and kindred ties of their constituents: and the said George C. Childress, Esq. is hereby authorized and instructed, in conjunction with the said Robert Hamilton, Esq., to do and to perform all those matters and things; and full faith

and credit is hereby pledged to all engagements he may make, appertaining to the accomplishment of the objects of this commission.

DAVID G. BURNET.

Done by the President, date above.

SAM'L P. CARSON, *Secretary of State.*

[NOTE.—There has also been left at the Department of State a paper of the same date and tenor as the above, differing from it only in the circumstance that Mr. Robert Hamilton is therein first named.]

DEPARTMENT OF STATE,
Republic of Texas, April 1, 1836.

SIR: Allow me to present to you, and recommend to your consideration, the honorable Messrs. George C. Childress and Robert Hamilton, *special* agents of this republic to the Government of the United States. They are directed to communicate *freely* with the Executive Government of the United States upon the subjects with which they are charged. May I ask that you present them to the President and heads of the Departments in such manner as may be suited to the station they occupy.

With consideration of the most profound respect,

I have the honor to be, &c.

SAM'L P. CARSON,
Secretary of State.

To the Hon. JOHN FORSYTH,
Secretary of State of the U. S. of America.

UNANIMOUS DECLARATION OF INDEPENDENCE,

***By the Delegates of the People of Texas, in General Convention, at the town of Washington, on the 2d day of March,* 1836.**

When a Government has ceased to protect the lives, liberty, and property of the People, from whom its legitimate powers are derived, and for the advancement of whose happiness it was instituted, and so far from being a guarantee for the enjoyment of their inestimable and inalienable rights, becomes an instrument in the hands of evil rulers for their oppression: when the Federal Republican Constitution of their country, which they have sworn to support, no longer has a substantial existence, and the whole nature of their Government has been forcibly changed, without their consent, from a restricted Federative Republic, composed of sovereign states, to a consolidated central military despotism, in which every interest is disregarded but that of the army and the priesthood, both the eternal enemies of civil liberty, the ever-ready minions of power, and the usual instruments tyrants: when, long after the spirit of the Constitution has departed, moderation is at length so far lost by those in power, that even the semblance of freedom is removed, and the forms themselves of the Constitution discontinued; and so far from their petitions and remonstrances being regarded, the agents who bear them are thrown into dungeons, and mercenary armies sent forth to force a new Government upon them at the point of the bayonet: when, in consequence of such acts of malfeasance and abdication on the part of the Government, anarchy prevails, and civil society is dissolved into

its orginal elements: in such a crisis, the first law of nature, the right of self-preservation, the inherent and inalienable right of the People to appeal to first principles, and take their political affairs into their own hands in extreme cases, enjoins it as a right towards themselves, and a sacred obligation to their posterity, to abolish such Government, and create another in its stead, calculated to rescue them from impending dangers, and to secure their future welfare and happiness.

Nations, as well as individuals, are amenable for their acts to the public opinion of mankind. A statement of a part of our grievances is therefore submitted to an impartial world, in justification of the hazardous but unavoidable step now taken, of severing our political connexion with the Mexican People, and assuming an independent attitude among the nations of the earth.

The Mexican Government, by its colonization laws, invited and induced the Anglo-American population of Texas to colonize its wilderness, under the pledged faith of a written constitution, that they should continue to enjoy that constitutional liberty and republican Government to which they had been habituated in the land of their birth, the United States of America. In this expectation they have been cruelly disappointed, inasmuch as the Mexican nation has acquiesced in the late changes made in the Government by General Antonio Lopez de Santa Ana, who, having overturned the Constitution of his country, now offers us the cruel alternative, either to abandon our homes, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.

It hath sacrificed our welfare to the State of Coahuila, by which our interests have been continually depressed, through a jealous and partial course of legislation, carried on at a far-distant seat of Government, by a hostile majority, in an unknown tongue; and this too notwithstanding we have petitioned in the humblest terms for the establishment of a separate State Government, and have, in accordance with the provisions of the National Constitution, presented to the General Congress a Republican Constitution, which was, without just cause, contemptuously rejected.

It incarcerated in a dungeon, for a long time, one of our citizens, for no other cause but a zealous endeavor to procure the acceptance of our Constitution and the establishment of a State Government.

It has failed and refused to secure, on a firm basis, the right of trial by jury, that palladium of civil liberty and only safe guarantee for the life, liberty, and property of the citizen.

It has failed to establish any public system of education, although possessed of almost boundless resources, (the public domain,) and although it is an axiom in political science that, unless a People are educated and enlightened, it is idle to expect the continuance of civil liberty, or the capacity for self-government.

It has suffered the military commandants stationed among us to exercise arbitrary acts of oppression and tyranny, thus trampling upon the most sacred rights of the citizen, and rendering the military superior to the civil power.

It has dissolved by force of arms the State Congress of Coahuila and Texas, and obliged our Representatives to fly for their lives from the seat of Government, thus depriving us of the fundamental political right of representation.

It has demanded the surrender of a number of our citizens, and ordered military detachments to seize and carry them into the interior for trial; in contempt of the civil authorities, and in defiance of the laws and the Constitution.

It has made piratical attacks upon our commerce, by commissioning foreign desperadoes, and authorizing them to seize our vessels, and convey the property of our citizens to far-distant ports for confiscation.

It denies us the right of worshipping the Almighty according to dictates of our own conscience, by the support of a national religion calculated to promote the temporal interests of its human functionaries rather than the glory of the true and living God.

It has demanded us to deliver up our arms, which are essential to our defence, the rightful property of freemen, and formidable only to tyrannical Governments.

It has invaded our country, both by sea and by land, with intent to lay waste our territory, and drive us from our homes; and has now a large mercenary army advancing, to carry on against us a war of extermination.

It has, through its emissaries, incited the merciless savage, with the tomahawk and scalping-knife, to massacre the inhabitants of our defenceless frontiers.

It has been, during the whole time of our connexion with it, the contemptible sport and victim of successive military revolutions, and hath continually exhibited every characteristic of a weak, corrupt, and tyrannical Government.

These and other grievances were patiently borne by the People of Texas, until they reached that point at which forbearance ceases to be a virtue. They then took up arms in defence of the National Constitution. They appealed to their Mexican brethren for assistance. Their appeal has been made in vain: though months have elapsed, no sympathetic response has yet been heard from the interior. They are, therefore, forced to the melancholy conclusion that the Mexican People have acquiesced in the destruction of their liberty, and the substitution therefor of a military despotism; that they are unfit to be free, and incapable of self-government.

The necessity of self-preservation, therefore, now decrees our eternal political separation.

We, therefore, the Delegates, with plenary powers, of the People of Texas, in solemn Convention assembled, appealing to a candid world for the necessities of our condition, do hereby resolve and DECLARE that our political connexion with the Mexican nation has forever ended, and that the People of Texas do now constitute a FREE, SOVEREIGN, and INDEPENDENT REPUBLIC, and are fully invested with all the rights and attributes which properly belong to independent states; and, conscious of the rectitude of our intentions, we fearlessly and confidently commit the issue to the decision of the Supreme Arbiter of the destinies of nations.

RICHARD ELLIS, *President.*

C. B. Stewart,
Thomas Barnett, of Austin,
James Collinsworth,
Edwin Waller,
Asa Brigham,
J. S. D. Byrom, of Brazoria,
Francisco Ruis,
Antonio Navaro,

Jesse B. Badgett, of Bexar,
Wm. D. Lacy,
Wm. Menifee, of Colorado,
James Gains,
W. Clark, jr., of Sabine,
John Fisher,
Matt. Caldwell, of Gonzales,
Wm. Motley, of Goliad,
L. de Zavala, of Harrisburg,
S. C. Robertson,
Geo. C. Childress, of Milam,
Steph. H. Everett,
Geo. W. Smith, of Jasper,
Elijah Stepp, of Jackson,
Claiborne West,
Wm. B. Leates, of Jefferson,
M. B. Menard,
A. B. Hardin, of Liberty,
Baily Hardiman, of Matagorda,
J. W. Bunton,
Thos. J. Gazley,
R. M. Coleman, of Mina,
Robert Potter,
Thos. J. Rusk,
Charles S. Taylor,
Jno. S. Roberts, of Nacogdoches,
Robert Hamilton,
Collin McKinny,
Alb. H. Latimore, of Red river,
Martin Palmer,
E. O. Legrand,
S. W. Blount, of San Augustine,
Syd. O. Bennington,
W. C. Crawford, of Shelby,
J. Power,
Sam. Houston,
David Thomas,
Edward Conrad, of Refugio,
John Turner, of San Patricio,
B. Briggs Goodrich,
G. W. Barnett,
James G. Swisher,
Jesse Grimes, of Washington.

CONSTITUTION OF THE REPUBLIC OF TEXAS.

We, the People of Texas, in order to form a Government, establish justice, ensure domestic tranquillity, provide for the common defence and general welfare, and to secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution.

Article I.

Section 1. The powers of this Government shall be divided into three departments, viz: Legislative, Executive, and Judicial, which shall remain forever separate and distinct.

Sec. 2. The Legislative power shall be vested in a Senate and House of Representatives, to be styled The Congress of the Republic of Texas.

Sec. 3. The members of the House of Representatives shall be chosen annually on the first Monday of September each year, until Congress shall otherwise provide by law, and shall hold their offices one year from the date of their election.

Sec. 4. No person shall be eligible to a seat in the House of Representatives until he shall have attained the age of twenty-five years, shall be a citizen of the Republic, and shall have resided in the county or district six months next preceding his election.

Sec. 5. The House of Representatives shall not consist of less than twenty-four, nor more than forty members, until the population shall amount to one hundred thousand souls, after which time the whole number of Representatives shall not be less than forty nor more than one hundred: provided, however, that each county shall be entitled to at least one Representative.

Sec. 6. The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

Sec. 7. The Senators shall be chosen by districts, as nearly equal in free population (free negroes and Indians excepted) as practicable, and the number of Senators shall never be less than one-third nor more than one-half the number of Representatives, and each district shall be entitled to one member and no more.

Sec. 8. The Senators shall be chosen for the term of three years, on the first Monday in September, shall be citizens of the Republic, reside in the district for which they are respectively chosen at least one year before the election, and shall have attained the age of thirty years.

Sec. 9. At the first session of the Congress after the adoption of this Constitution, the Senators shall be divided by lot into three classes, as nearly equal as practicable; the seats of the Senators of the first class shall be vacated at the end of the first year, of the second class at the end of the second year, the third class at the end of the third year, in such manner that one-third shall be chosen each year thereafter.

Sec. 10. The Vice President of the Republic shall be President of the Senate, but shall not vote on any question, unless the Senate be equally divided.

Sec. 11. The Senate shall choose all other officers of their body, and a President pro tempore, in the absence of the Vice President, or whenever he shall exercise the office of President; shall have the sole power to try impeachments, and when sitting as a court of impeachment, shall be under oath; but no conviction shall take place without the concurrence of two-thirds of all the members present.

Sec. 12. Judgment in cases of impeachment shall only extend to removal from office, and disqualification to hold any office of honor, trust, or profit under this Government; but the party shall nevertheless be liable to indictment, trial, judgment, and punishment, according to law.

Sec. 13. Each House shall be the judge of the elections, qualifications, and returns of its own members. Two-thirds of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members.

Sec. 14. Each House may determine the rules of its own proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, may expel a member, but not a second time for the same offence.

Sec. 15. Senators and Representatives shall receive a compensation for their services, to be fixed by law, but no increase of compensation, or diminution, shall take effect during the session at which such increase or diminution shall have been made. They shall, except in cases of treason, felony, or breach of the peace, be privileged from arrest during the session of Congress, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

Sec. 16. Each House may punish, by imprisonment, during the session, any person not a member, who shall be guilty of any disrespect to the House, by any disorderly conduct in their presence.

Sec. 17. Each House shall keep a journal of its proceedings, and publish the same, except such parts as, in its judgment, require secrecy. When any three members shall desire the yeas and nays on any question, they shall be entered on the journals.

SEC. 18. Neither House, without the consent of the other, shall adjourn for more than three days, nor to any other place than that in which the two Houses may be sitting.

SEC. 19. When vacancies happen in either House, the Executive shall issue writs of election to fill such vacancies.

SEC. 20. No bill shall become a law until it shall have been read on three several days in each House, and passed by the same, unless, in cases of emergency, two-thirds of the members of the House where the bill originated, shall deem it expedient to dispense with the rule.

SEC. 21. After a bill shall have been rejected, no bill containing the same substance shall be passed into a law during the same session.

SEC. 22. The style of the laws of the Republic shall be, "Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled."

SEC. 23. No person holding an office of profit under the Government shall be eligible to a seat in either House of Congress, nor shall any member of either House be eligible to any office which shall be created, or the profits of which shall be increased, during his term of service.

SEC. 24. No holder of public moneys, or collector thereof, shall be eligible to a seat in either House of Congress, until he shall have fully acquitted himself of all responsibility, and shall produce the proper officer's receipt thereof. Members of either House may protest against any act or resolution, and may have such protest entered on the journals of their respective Houses.

SEC. 25. No money shall be drawn from the public treasury but in strict accordance with appropriations made by law; and no appropriation shall be made for private or local purposes, unless two-thirds of each House concur in such appropriations.

SEC. 26. Every act of Congress shall be approved and signed by the President before it becomes a law; but if the President will not approve and sign such act, he shall return it to the House in which it shall have originated, with his reasons for not approving the same, which shall be spread upon the journals of such House, and the bill shall then be reconsidered, and shall not become a law unless it shall then pass by a vote of two-thirds of both Houses. If any act shall be disapproved by the President, the vote on the reconsideration shall be recorded by ayes and noes. If the President shall fail to return a bill within five days (Sundays excepted) after it shall have been presented for his approval and signature, the same shall become a law, unless the Congress prevents its return within the time above specified, by adjournment.

SEC. 27. All bills, acts, orders, or resolutions, to which the concurrence of both Houses may be necessary, (motions or resolutions for adjournment excepted,) shall be approved and signed by the President, or being disapproved, shall be passed by two-thirds of both Houses, in manner and form as specified in section twenty.

ARTICLE II.

SEC. 1. Congress shall have power to levy and collect taxes and imposts, excise and tonnage duties, to borrow money on the faith, credit, and property of the Government, to pay the debts and to provide for the common defence and general welfare of the Republic.

SEC. 2. To regulate commerce, to coin money, to regulate the value thereof and of foreign coin, to fix the standard of weights and measures, but nothing but gold and silver shall be made a lawful tender.

SEC. 3. To establish post offices and post roads, to grant charters of incorporation, patents, and copy-rights, and secure to the authors and inventors the exclusive use thereof for a limited time.

SEC. 4. To declare war, grant letters of marque and reprisal, and to regulate captures.

SEC. 5. To provide and maintain an army and navy, and to make all laws and regulations necessary for their government.

SEC. 6. To call out the militia to execute the law, to suppress insurrection, and repel invasion.

SEC. 7. To make all laws which shall be deemed necessary and proper to carry into effect the foregoing express grants of power, and all other powers vested in the Government of the Republic, or in any officer or department thereof.

ARTICLE III.

SEC. 1. The Executive authority of this Government shall be vested in a chief magistrate, who shall be styled The President of the Republic of Texas.

SEC. 2. The first President elected by the people shall hold his office for the term of two years, and shall be ineligible during the next succeeding term; and all subsequent Presidents shall be elected for three years, and be alike ineligible; and in the event of a tie, the House of Representatives shall determine between the two highest candidates by a viva voce vote.

SEC. 3. The returns of the elections for President and Vice President shall be sealed up and transmitted to the Speaker of the House of Representatives, by the holders of elections of each county; and the Speaker of the House of Representatives shall open and publish the returns, in presence of a majority of each House of Congress.

ARTICLE IV.

SEC. 1. The Judicial powers of the Government shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges of the supreme and inferior courts shall hold their offices for four years, be eligible to re-election, and shall, at stated periods, receive for their services a compensation not to be increased or diminished during the period for which they were elected.

SEC. 2. The Republic of Texas shall be divided into convenient judicial districts, not less than three, nor more than eight. There shall be appointed for each district a judge, who shall reside in the same, and hold the courts at such times and places as Congress may by law direct.

SEC. 3. In all admiralty and maritime cases, in all cases affecting ambassadors, public ministers, or consuls, and in all capital cases, the district courts shall have exclusive original jurisdiction, and original jurisdiction in all civil cases when the matter in controversy amounts to one hundred dollars.

SEC. 4. The judges, by virtue of their offices, shall be conservators of the peace throughout the Republic. The style of all process shall be,

The Republic of Texas; and all prosecutions shall be carried on in the name and by the authority of the same, and conclude, Against the peace and dignity of the Republic.

Sec. 5. There shall be a district attorney appointed for each district, whose duties, salaries, perquisites, and terms of service shall be fixed by law.

Sec. 6. The clerks of the district courts shall be elected by the qualified voters for members of Congress in the counties where the courts are established, and shall hold their offices for four years, subject to removal by presentment of a grand jury, and conviction of a petit jury.

Sec. 7. The Supreme Court shall consist of a chief justice and associate judges; the district judges shall compose the associate judges, a majority of whom, with the chief justice, shall constitute a quorum.

Sec. 8. The Supreme Court shall have appellate jurisdiction only, which shall be conclusive, within the limits of the Republic; and shall hold its sessions annually, at such times and places as may be fixed by law: provided that no judge shall sit in a case in the Supreme Court tried by him in the court below.

Sec. 9. The judges of the supreme and district courts shall be elected by joint ballot of both Houses of Congress.

Sec. 10. There shall be, in each county, a county court, and such justices' courts as the Congress may from time to time establish.

Sec. 11. The Republic shall be divided into convenient counties, but no new county shall be established, unless it be done on the petition of one hundred free male inhabitants of the territory sought to be laid off and established, and unless the said territory shall contain nine hundred square miles.

Sec. 12. There shall be appointed, for each county, a convenient number of justices of the peace, one sheriff, one coroner, and a sufficient number of constables, who shall hold their offices for two years, to be elected by the qualified voters of the district or county, as Congress may direct. Justices of the peace and sheriffs shall be commissioned by the President.

Sec. 13. The Congress shall, as early as practicable, introduce, by statute, the common law of England, with such modifications as our circumstances, in their judgment, may require; and in all criminal cases the common law shall be the rule of decision.

Article V.

Sec. 1. Ministers of the gospel being, by their profession, dedicated to God and the care of souls, ought not to be diverted from the great duties of their functions, therefore, no minister of the gospel or priest of any denomination whatever shall be eligible to the office of the Executive of the Republic, nor to a seat of either branch of the Congress of the same.

Sec. 2. Each member of the Senate and House of Representatives shall, before they proceed to business, take an oath to support the Constitution, as follows:

I, A B, do solemnly swear [or affirm, as the case may be] that, as a member of this General Congress, I will support the Constitution of the

Republic, and that I will not propose or assent to any bill, vote, or resolution, which shall appear to me injurious to the People.

Sec. 3. Every person who shall be chosen or appointed to any office of trust or profit shall, before entering on the duties thereof, take an oath to support the Constitution of the Republic, and also an oath of office.

Article VI.

Sec. 1. No person shall be eligible to the office of President who shall not have attained the age of thirty-five years, shall be a citizen of the Republic at the time of the adoption of this Constitution, or an inhabitant of this Republic at least three years immediately preceding his election.

Sec. 2. The President shall enter on the duties of his office on the second Monday in December next succeeding his election, and shall remain in office until his successor shall be duly qualified.

Sec. 3. The President shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during his continuance in office; and before entering upon the duties of his office, he shall take and subscribe the following oath or affirmation: I, A B, President of the Republic of Texas, do solemnly and sincerely swear [or affirm, as the case may be] that I will faithfully execute the duties of my office, and to the best of my ability preserve, protect, and defend the Constitution of the Republic.

Sec. 4. He shall be commander-in-chief of the army and navy of the Republic, and the militia thereof, but he shall not command in person without the authority of a resolution of Congress. He shall have power to remit fines and forfeitures, to grant reprieves and pardons, except in cases of impeachment.

Sec. 5. He shall, with the advice and consent of two-thirds of the Senate, make treaties; and with the consent of the Senate, appoint ministers and consuls, and all officers whose offices are established by this Constitution, not herein otherwise provided for.

Sec. 6. The President shall have power to fill all vacancies that may happen during the recess of the Senate; but he shall report the same to the Senate within ten days after the next Congress shall convene; and should the Senate reject the same, the President shall not re-nominate the same individual to the same office.

Sec. 7. He shall from time to time give Congress information of the state of the Republic, and recommend for their consideration such measures as he may deem necessary. He may, upon extraordinary occasions, convene both Houses, or either of them. In the event of a disagreement as to the time of adjournment, he may adjourn them to such time as he may think proper. He shall receive all foreign ministers. He shall see that the laws be faithfully executed, and shall commission all the officers of the Republic.

Sec. 8. There shall be a seal of the Republic, which shall be kept by the President and used by him officially; it shall be called the Great Seal of the Republic of Texas.

Sec. 9. All grants and commissions shall be in the name and by the authority of the Republic of Texas, shall be sealed with the great seal, and signed by the President.

Sec. 10. The President shall have power, by and with the advice and consent of the Senate, to appoint a Secretary of State and such other heads of Executive departments as may be established by law, who shall remain in office during the term of service of the President, unless sooner removed by the President, with the advice and consent of the Senate.

Sec. 11. Every citizen of the Republic who has attained the age of twenty-one years, and shall have resided six months within the district or county where the election is held, shall be entitled to vote for members of the General Congress.

Sec. 12. All elections shall be by ballot, unless Congress shall otherwise direct.

Sec. 13. All elections by joint vote of both Houses of Congress shall be viva voce, shall be entered on the journals, and a majority of all the votes shall be necessary to a choice.

Sec. 14. A Vice President shall be chosen at every election for President, in the same manner, continue in office for the same time, and shall possess the same qualifications of the President. In voting for President and Vice President, the electors shall distinguish for whom they vote as President, and for whom as Vice President.

Sec. 15. In cases of impeachment, removal from office, death, resignation, or absence of the President from the Republic, the Vice President shall exercise the powers and discharge the duties of the President until a successor be duly qualified, or until the President who may be absent or impeached shall return or be acquitted.

Sec. 16. The President, Vice President, and all civil officers of the Republic, shall be removable from office by impeachment for, and on conviction of, treason, bribery, and other high crimes and misdemeanors.

SCHEDULE.

Sec. 1. That no inconvenience may arise from the adoption of this Constitution, it is declared by this Convention that all laws now in force in Texas, and not inconsistent with this Constitution, shall remain in full force until declared void, repealed, altered, or expire by their own limitation.

Sec. 2. All fines, penalties, and forfeitures, and escheats, which have heretofore accrued to Coahuila and Texas, or Texas, shall accrue to this Republic.

Sec. 3. Every male citizen who is by this Constitution a citizen, and shall be otherwise qualified, shall be entitled to hold any office or place of honor, trust, or profit, under the Republic, any thing in this Constitution to the contrary notwithstanding.

Sec. 4. The first President and Vice President that shall be appointed after the adoption of this Constitution, shall be chosen by this Convention, and shall immediately enter on the duties of their offices, and shall hold said offices until their successors be elected and qualified, as prescribed in this Constitution, and shall have the same qualifications, be invested with the same powers, and perform the same duties which are required and conferred on the Executive head of the Republic by this Constitution.

Sec. 5. The President shall issue writs of election directed to the

officers authorized to hold elections of the several counties, requiring them to cause an election to be held for President, Vice President, Representatives, and Senators to Congress, at the time and mode prescribed by this Constitution, which election shall be conducted in the manner that elections have been heretofore conducted. The President, Vice President, and members of Congress, when duly elected, shall continue to discharge the duties of their respective offices for the time and manner prescribed by this Constitution, until their successors be duly qualified.

Sec. 6. Until the first enumeration shall be made, as directed by this Constitution, the precinct of Austin shall be entitled to one representative; the precinct of Brazoria to two representatives; the precinct of Bexar to two representatives; the precinct of Colorado to one representative; Sabine one; Gonzales one; Goliad one; Harrisburg one; Jasper one; Jefferson one; Liberty one; Matagorda one; Mina two; Nacogdoches two; Red River three; Victoria one; San Augustine two; Shelby two; Refugio one; San Patricio one; Washington two; Milam one; and Jackson one representative.

Sec. 7. Until the first enumeration shall be made, as described by the Constitution, the Senatorial districts shall be composed of the following precincts: Bexar shall be entitled to one Senator; San Patricio, Refugio, and Goliad, one; Brazoria one; Mina and Gonzales one; Nacogdoches one; Red River one; Shelby and Sabine one; Washington one; Matagorda, Jackson, and Victoria, one; Austin and Colorado one; San Agustine one; Milam one; Jasper and Jefferson one; and Liberty and Harrisburg one Senator.

Sec. 8. All judges, sheriffs, commissioners, and other civil officers, shall remain in office, and in the discharge of the powers and duties of their respective offices, until there shall be others appointed or elected under the Constitution.

GENERAL PROVISIONS.

Sec. 1. Laws shall be made to exclude from office, from the right of suffrage, and from serving on juries, those who shall hereafter be convicted of bribery, perjury, or other high crimes and misdemeanors.

Sec. 2. Returns of all elections for officers who are to be commissioned by the President, shall be made to the Secretary of State of this Republic.

Sec. 3. The President and heads of Departments shall keep their offices at the seat of Government, unless removed by the permission of Congress, or unless, in cases of emergency in time of war, the public interest may require their removal.

Sec. 4. The President shall make use of his private seal until a seal of the Republic shall be provided.

Sec. 5. It shall be the duty of Congress, as soon as circumstances will permit, to provide, by law, a general system of education.

Sec. 6. All free white persons who shall emigrate to this Republic, and who shall, after a residence of six months, make oath before some competent authority that he intends to reside permanently in the same, and shall swear to support this Constitution, and that he will bear true

allegiance to the Republic of Texas, shall be entitled to all the privileges of citizenship.

SEC. 7. So soon as convenience will permit, there shall be a penal code formed on principles of reformation, and not of vindictive justice; and the civil and criminal laws shall be revised, digested, and arranged under different heads; and all laws relating to land titles shall be translated, revised, and promulgated.

SEC. 8. All persons who shall leave the country for the purpose of evading a participation in the present struggle, or shall refuse to participate in it, or shall give aid or assistance to the present enemy, shall forfeit all rights of citizenship and such lands as they may hold in the Republic.

SEC. 9. All persons of color who were slaves for life previous to their emigration to Texas, and who are now held in bondage, shall remain in the like state of servitude, provided the said slave shall be the bona fide property of the person so holding said slave as aforesaid. Congress shall pass no laws to prohibit emigrants from the United States of America from bringing their slaves into the Republic with them, and holding them by the same tenure by which such slaves were held in the United States; nor shall Congress have power to emancipate slaves; nor shall any slaveholder be allowed to emancipate his or her slave or slaves, without the consent of Congress, unless he or she shall send his or her slave or slaves without the limits of the Republic. No free person of African descent, either in whole or in part, shall be permitted to reside permanently in the Republic, without the consent of Congress; and the importation or admission of Africans or negroes into this Republic, excepting from the United States of America, is forever prohibited, and declared to be piracy.

SEC. 10. All persons (Africans, the descendants of Africans, and Indians excepted) who were residing in Texas on the day of the Declaration of Independence, shall be considered citizens of the Republic, and entitled to all the privileges of such. All citizens now living in Texas, who have not received their portion of land, in like manner as colonists, shall be entitled to their land in the following proportion and manner: Every head of a family shall be entitled to one league and "labour" of land, and every single man of the age of seventeen and upwards, shall be entitled to the third part of one league of land. All citizens who may have, previously to the adoption of this Constitution, received their league of land as heads of families, and their quarter of a league of land as single persons, shall receive such additional quantity as will make the quantity of land received by them equal to one league and "labour" and one-third of a league, unless by bargain, sale, or exchange, they have transferred, or may henceforth transfer their right to said land, or a portion thereof, to some other citizen of the Republic; and in such case the person to whom such right shall have been transferred, shall be entitled to the same, as fully and amply as the person making the transfer might or could have been. No alien shall hold land in Texas, except by titles emanating directly from the Government of this Republic. But if any citizen of this Republic should die intestate or otherwise, his children or heirs shall inherit his estate, and aliens shall have a reasonable time to take possession of and dispose of the same, in a manner hereafter to be point-

ed out by law. Orphan children, whose parents were entitled to land under the colonization law of Mexico, and who now reside in the Republic, shall be entitled to all the rights of which their parents were possessed at the time of their death. The citizens of the Republic shall not be compelled to reside on the land, but shall have their lines plainly marked.

All orders of survey legally obtained by any citizen of the Republic, from any legally-authorized commissioner, prior to the act of the late consultation closing the land offices, shall be valid. In all cases the actual settler and occupant of the soil shall be entitled, in locating his land, to include his improvement, in preference to all other claims not acquired previous to his settlement, according to the law of the land and this Constitution: *Provided*, That nothing herein contained shall prejudice the rights of any citizen from whom a settler may hold land by rent or lease.

And whereas the protection of the public domain from unjust and fraudulent claims, and quieting the People in the enjoyment of their lands, is one of the great duties of this Convention: and whereas the Legislature of the State of Coahuila and Texas having passed an act in the year eighteen hundred and thirty-four, in behalf of General John T. Mason, of New York, and another on the fourteenth day of March, eighteen hundred and thirty-five, under which the enormous amount of eleven hundred leagues of land has been claimed by sundry individuals, some of whom reside in foreign countries, and are not citizens of the Republic, which said acts are contrary to articles fourth, twelfth, and fifteenth of the laws of eighteen hundred and twenty-four of the General Congress of Mexico, and one of said acts, for that cause has, by the said General Congress of Mexico, been declared null and void: it is hereby declared that the said act of eighteen hundred and thirty-four, in favor of John T. Mason, and of the fourteenth of March, eighteen hundred and thirty-five, of the said Legislature of Coahuila and Texas, and each and every grant founded thereon, is, and was from the beginning, null and void; and all surveys made under pretence of authority derived from said acts are hereby declared to be null and void; and all eleven-league claims, located within twenty leagues of the boundary line between Texas and the United States of America, which have been located contrary to the laws of Mexico, are hereby declared to be null and void: and whereas many surveys and titles to land have been made whilst most of the People of Texas were absent from home, serving in the campaign against Bejar, it is hereby declared that all the surveys and locations of land made since the act of the late consultation closing the land offices, and all titles to land made since that time, are and shall be null and void.

And whereas the present unsettled state of the country and the general welfare of the People demand that the operations of the land offices and the whole land system shall be suspended until persons serving in the army can have a fair and equal chance with those remaining at home to select and locate their lands, it is hereby declared that no survey or title which may hereafter be made shall be valid, unless such survey or title shall be authorized by this Convention or some future Congress of the Republic. And with a view to the simplification of the land system,

and protection of the People and the Government from litigation and fraud, a general land office shall be established, where all the land titles of the Republic shall be registered, and the whole territory of the Republic shall be sectionized, in a manner hereafter to be prescribed by law, which shall enable the officers of the Government or any citizen to ascertain with certainty the lands that are vacant, and those lands which may be covered by valid titles.

SEC. 11. Any amendment or amendments to this Constitution may be proposed in the House of Representatives or Senate, and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on the journals, with the yeas and nays thereon, and referred to the Congress then next to be chosen, and shall be published for three months previous to the election; and if the Congress next chosen as aforesaid, shall pass said amendment or amendments by a vote of two-thirds of all the members elected to each House, then it shall be the duty of said Congress to submit such proposed amendment or amendments to the People, in such manner and at such times as the Congress shall prescribe; and if the People shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of Congress voting thereon, such amendment or amendments shall become a part of this Constitution: *Provided*, *however*, that no amendment or amendments be referred to the People oftener than once in three years.

DECLARATION OF RIGHTS.

This declaration of rights is declared to be a part of this Constitution, and shall never be violated on any pretence whatever. And in order to guard against the transgression of the high powers which we have delegated, we declare that every thing in this bill of rights contained, and every other right not hereby delegated, is reserved to the People.

First. All men, when they form a social compact, have equal rights, and no man or set of men are entitled to exclusive public privileges or emoluments from the community.

Second. All political power is inherent in the People, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times an inalienable right to alter their government in such manner as they may think proper.

Third. No preference shall be given by law to any religious denomination or mode of worship over another, but every person shall be permitted to worship God according to the dictates of his own conscience.

Fourth. Every citizen shall be at liberty to speak, write, or publish his opinions on any subject, being responsible for the abuse of that privilege. No law shall ever be passed to curtail the liberty of speech or of the press; and in all prosecutions for libels, the truth may be given in evidence, and the jury shall have the right to determine the law and fact, under the direction of the court.

Fifth. The People shall be secure in their persons, houses, papers, and possessions, from all unreasonable searches or seizures, and no warrant shall issue to search any place or seize any person or thing, without

describing the place to be searched or the person or thing to be seized, without probable cause, supported by oath or affirmation.

Sixth. In all criminal prosecutions the accused shall have the right of being heard, by himself, or council, or both; he shall have the right to demand the nature and cause of the accusation, shall be confronted with the witnesses against him, and have compulsory process for obtaining witnesses in his favor. And in all prosecutions by presentment or indictment, he shall have the right to a speedy and public trial, by an impartial jury; he shall not be compelled to give evidence against himself, or be deprived of life, liberty, or property, but by due course of law. And no freeman shall be holden to answer for any criminal charge, but on presentment or indictment by a grand jury, except in the land and naval forces, or in the militia when in actual service in time of war or public danger, or in cases of impeachment.

Seventh. No citizen shall be deprived of privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land.

Eighth. No title of nobility, hereditary privileges or honors, shall ever be granted or conferred in this Republic. No person holding any office of profit or trust shall, without the consent of Congress, receive from any foreign state any present, office, or emolument of any kind.

Ninth. No person, for the same offence, shall be twice put in jeopardy of life or limbs. And the right of trial by jury shall remain inviolate.

Tenth. All persons shall be bailable by sufficient security unless for capital crimes, when the proof is evident or presumption strong; and the privilege of the writ of "habeas corpus" shall not be suspended, except in case of rebellion or invasion the public safety may require it.

Eleventh. Excessive bail shall not be required, nor excessive fines imposed, or cruel or unusual punishments inflicted. All courts shall be open, and every man, for any injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law.

Twelfth. No person shall be imprisoned for debt in consequence of inability to pay.

Thirteenth. No person's particular services shall be demanded, nor property taken or applied to public use, unless by the consent of himself or his representative, without just compensation being made therefor according to law.

Fourteenth. Every citizen shall have the right to bear arms in defence of himself and the Republic. The military shall at all times and in all cases be subordinate to the civil power.

Fifteenth. The sure and certain defence of a free people is a well-regulated militia; and it shall be the duty of the Legislature to enact such laws as may be necessary to the organizing of the militia of this Republic.

Sixteenth. Treason against this Republic shall consist only in levying war against it, or adhering to its enemies, giving them aid and support. No retrospective or ex post facto law, or laws impairing the obligations of contracts shall be made.

Seventeenth. Perpetuities or monopolies are contrary to the genius of a free government, and shall not be allowed; nor shall the law of primogeniture or entailments ever be in force in this Republic.

The foregoing Constitution was unanimously adopted by the Delegates of Texas, in Convention assembled, at the town of Washington, on the seventeenth day of March, in the year of our Lord one thousand eight hundred and thirty-six, and of the Independence of the Republic the first year.

In witness whereof, we have hereunto subscribed our names.

RICHARD ELLIS,
President and Delegate from Red river.

ALBERT H. S. KIMBLE, *Secretary.*

C. B. Stewart,
James Collinsworth,
Edwin Waller,
A. Brigham,
John S. D. Byrom,
Francis Ruis,
J. Antonio Navaro,
William D. Lacy,
William Menifee,
John Fisher,
Matthew Caldwell,
William Motley,
Lorenzo de Zavalla,
George W. Smyth,
Stephen H. Everett,
Elijah Stepp,
Claiborne West,
William B. Leates,
M. B. Menard,
A. B. Hardin,
John W. Bunton,
Thomas J. Gazley,
R. M. Coleman,
Sterling C. Robertson,
George C. Childress,
Baily Hardiman,
Robert Potter,
Charles S. Taylor,
John S. Roberts,
Robert Hamilton,
Collin McKinny,
A. H. Latimore,
James Powers,
Samuel Houston,
Edward Conrad,
Martin Palmer,
James Gaines,
William Clark, jun.
Sidny C. Pennington,
Samuel P. Carson,
Thomas J. Rusk,
William C. Crawford,
John Turner,
Benjamin Briggs Goodrich,
James G. Swisher,
George W. Barnett,
Jesse Grimes,
E. O. Legrand,
David Thomas,
S. Rhodes Fisher,
John W. Bower,
J. B. Woods,
J. W. Briscoe,
Thomas Barnett,
Jesse B. Badgett,
Stephen W. Blount.

I do hereby certify that I have carefully compared the foregoing Constitution, and find it to be a true copy trom the original filed in the archives of the Convention.

Given under my hand, this 17th day of March, 1836.

Attest: H. S. KIMBLE,
Secretary of the Convention.

WASHINGTON, *June* 10, 1836.

SIR: We had the honor to communicate, on the 21st ultimo, the commission from the republic of Texas; by which we are empowered to open a negotiation with the Government of the United States, to invite,

on the part of this Government, a recognition of the independence of Texas, and the establishment of such relations as may comport with the mutual interests, common origin, and kindred ties of both.

We have, now, the honor to lay before the Government of the United States the accompanying official documents, (A, B, C,) affording indubitable proofs that the Government we have the honor to represent is *de facto* the Government of Texas—feeling assured that the Government of the United States (if satisfied of that fact) will adopt such course of action in relation to the matter as it may deem due to the republic of Texas, and accordant with those principles both of strict neutrality and *impartial justice* which have ever characterized its intercourse with foreign nations, and greatly contributed to its elevated character both at home and abroad.

With the highest respect, sir,
We have the honor to be,
Your most obedient servants,
ROBERT HAMILTON,
GEO. C. CHILDRESS,
Plenipotentiaries from the republic of Texas to the United States of America.

To the Hon. John Forsyth,
Secretary of State of the United States.

A.

A letter from President Burnet to Colonel Robert Triplett, agent of Texas, at New Orleans.

Dear Sir: The enclosed despatch, from the Secretary of War, is this moment received. I communicate it to you with unfeigned pleasure, and I doubt not it will confer unmingled gratification upon all the friends of Texas throughout the United States.

The war in Texas is drawing to a close. The head of our enemy is in our power, the body and limbs are but machines. May God be praised.

Your obedient servant,
DAVID G. BURNET.

B.

A letter from T. J. Rusk, Secretary of War, to his Excellency D. G. Burnet, President.

Head Quarters Army, *April* 22, 1836.

Sir: Yesterday, at half past three, with five hundred men, we charged Santa Ana's camp of eleven hundred. We made a total rout of his army in two hours, took every thing he had, killed over half his troops, and took the others prisoners. General Santa Ana, Colonel Almonte, and all his particular friends, several generals and colonels, are our pris-

oners. Come up in the steamboat, and I will take great pleasure in introducing you to the general. General Houston received a severe, though not dangerous wound, in nobly charging the works of the enemy. I will make out, this evening, or to-morrow, a detailed report. General Houston will also report to you immediately. Send us up supplies, provisions, and reinforcements, as there is yet about 3,000 of the enemy in Texas. Let us make at them in force immediately, and the war is over. In great haste.

THOS. J. RUSK,
Secretary of War.

C.

Official report of Major General Samuel Houston, commander-in-chief, to his Excellency D. G. Burnet, President of the republic of Texas.

Head Quarters of the Army,
San Jacinto, April 25, 1836.

Sir: I regret extremely that my situation since the battle of the 21st has been such as to prevent my rendering you my official report of the same previous to this time.

I have the honor to inform you that, on the evening of the 18th instant, after a forced march of fifty-five miles, which was effected in two days and a half, the army arrived opposite Harrisburg; that evening a carrier was taken, from which I learned that General Santa Ana, with one division of his choice troops, had marched in the direction of Lynch's ferry, on the San Jacinto, burning Harrisburg as they passed down. The army was ordered to be in readiness to march early on the next morning. The main body effected a passage over Buffalo bayou, below Harrisburg, on the morning of the 19th, having left the baggage, sick, and a sufficient camp-guard, in the rear. We continued the march throughout the night, making but one halt in the prairies for a short time, and without refreshment. At daylight we resumed the line of march, and, in a short distance, our scouts encountered those of the enemy, and we received information that General Santa Ana was at New Washington, and would that day take up his line of march for Anahua Crossing, at Lynch's. The Texian army halted within half a mile of the ferry, in some timber, and were engaged in slaughtering beeves when the army of General Santa Ana was discovered to be approaching in battle array, having been encamped at Clopper's point, eight miles below.

Disposition was immediately made of our forces, and preparations for his reception. He took a position, with his infantry and artillery in the centre, occupying an island of timber, his cavalry covering the left flanks. The artillery then opened upon our encampment, consisting of one double-fortified medium brass twelve-pounder. The infantry, in columns, advanced with the design of charging our lines, but were repulsed by a discharge of grape and canister from our artillery, consisting of two six-pounders. The enemy had occupied a piece of timber within rifle-shot of the left wing of our army, from which an occasional in-

terchange of small-arms took place between the troops, until the enemy withdrew to a position on the banks of the San Jacinto, about three quarters of a mile from our encampment, and commenced a fortification. A short time before sunset our mounted men, about eighty-five in number, under the special command of Colonel Sherman, marched out for the purpose of reconnoitring the enemy. Whilst advancing, they received a volley from the left of the enemy's infantry, and a sharp rencontre with their cavalry, in which ours acted extremely well, and performed some feats of daring chivalry; they returned in good order, having had two men wounded severely, and several horses killed. In the mean time the infantry, under the command of Lieutenant Colonel Millard, and Colonel Burleson's regiment, with the artillery, had marched out for the purpose of covering the retreat of the cavalry, if necessary; all then fell back to our encampment in good order about sunset, and remained without any ostensible action until the 21st, at half past three o'clock, taking the first refreshment which they had enjoyed for two days. The enemy in the mean time having extended the right flank of their infantry so as to occupy the extreme point of a skirt of timber on the banks of the San Jacinto, and securing their left by a fortification about five feet high, constructed of packs and baggage, leaving an opening in the centre of the breastwork, in which their artillery was placed, their cavalry on their left wing. About 9 o'clock on the morning of the 21st, the enemy were reinforced by 500 choice troops, under the command of General Cos, increasing their effective force to upwards of 1,500 men, while our aggregate force for the field numbered 783.

At half past 3 o'clock in the evening, I ordered the officers of the Texian army to parade their respective commands, having, in the meantime, ordered the bridge on the only road communicating with the Brazos, distant eight miles from our encampment, to be destroyed, thus cutting off all possibility of escape. Our troops paraded with alacrity and spirit, and even anxious for the contest: the conscious disparity in numbers only served to increase their enthusiasm and confidence, and heightened their anxiety for the conflict. Our situation afforded me an opportunity of making the arrangement preparatory to the attack, without exposing our designs to the enemy. The first regiment, commanded by Colonel Burleson, was assigned the centre. The second regiment, under the command of Colonel Sherman, formed the left wing of the army. The artillery, under the special command of Colonel George W. Hackley, inspector general, was placed on the right of the first regiment; and four companies of infantry, under the command of Lieutenant Colonel Henry Millard, sustained the artillery upon the right; and our cavalry, sixty-one in number, commanded by Colonel M—— B. Lemar, (whose gallant and daring conduct on the previous day had attracted the admiration of his comrades, and called him to that station,) placed on our extreme right, completed our line. Our cavalry was first despatched to the front of the enemy's left, for the purpose of attracting their notice, whilst an extensive island of timber afforded us an opportunity of concentrating our forces, and displaying from that point, agreeably to the previous design of the troops. Every evolution was performed with alacrity, the whole advancing rapidly in line, and through an open prairie, without any protection whatever for our men. The artillery advanced and took

station within two hundred yards of the enemy's breastwork, and commenced an effective fire with grape and canister. Colonel Sherman, with his regiment, having commenced the action upon our left wing, the whole line at the centre and on the right, advancing in double quick time, rung the war cry, "Remember the Alamo!" received the enemy's fire, and advancing within pointblank shot before a piece was discharged from our lines. Our lines advanced without a halt until they were in possession of the woodland and the enemy's breastworks. The right wing of Burleson's and the left of Millard's taking possession of the breastwork, our artillery having gallantly charged up within seventy yards of the enemy's cannon, when it was taken by our troops. The conflict lasted about eighteen minutes, from the time of close action until we were in possession of the enemy's encampment, taking one piece of cannon, (loaded,) four stand of colors, all their camp equipage, stores, and baggage. Our cavalry had charged and routed that of the enemy upon the right, and given pursuit to the fugitives, which did not cease until they ( ) at the bridge which I have mentioned. Captain Kernes, always amongst the foremost in danger, commanding the pursuers. The conflict in the breastwork lasted but a few moments. Many of the troops encountered hand-to-hand, and not having the advantage of bayonets on our side, our riflemen used their pieces as war-clubs, breaking many of them off at the breech. The rout commenced at half past 4 o'clock, and the pursuit of the main army continued until twilight. A guard was then left in charge of the enemy's encampment, and our army returned with our killed and wounded. In the battle, our loss was two killed, and twenty-three wounded, six of which proved mortal. The enemy's loss was six hundred and thirty killed, among which was one general officer, four colonels, two lieutenant colonels, five captains, twelve lieutenants; wounded, two hundred and eight, of which were five colonels, three lieutenant colonels, two second lieutenant colonels, seven captains, one cadet. Prisoners, seven hundred and thirty: General Santa Ana, General Cos, four colonels, (aids to Santa Ana,) and the colonel of the Guerero battalion, are included in the number. General Santa Ana was not taken until the 22d, and General Cos on yesterday, having escaped. Also, six hundred muskets, three hundred sabres, and two hundred pistols. Several hundred mules and horses were taken, and near $12,000 in specie. For several days previous to the action, our troops were engaged in forced marches, exposed to excessive rains, and the additional inconvenience of extremely bad roads, ill supplied with rations and clothing; yet, amid every difficulty they bore up with cheerfulness and fortitude, and performed their marches with spirit and alacrity: there was no murmuring. Previous to, and during the action, my staff evinced every disposition to be useful, and were actively engaged in their duties. In the conflict I am sure that they demeaned themselves in such manner as proved them worthy members of the army of San Jacinto. Colonel T. J. Rusk, Secretary of War, was on the field. For weeks, his services had been highly beneficial to the army: in battle, he was on the left wing, where Colonel Sherman's command first encountered and drove the enemy. He bore himself gallantly, and continued his efforts and activity, remaining with the pursuers until resistance ceased. I have the honor of transmitting herewith,

a list of all the officers and men who were engaged in the action, which I respectfully request may be published, as an act of justice to the individuals. For the commanding general to attempt discrimination as to the conduct of those who commanded in the action, or those who were commanded, would be impossible. Our success in the action is conclusive proof of their daring intrepidity and courage. Every officer and man proved himself worthy of the cause in which he battled, while the triumph received a lustre from the humanity which characterized their conduct after victory, and richly entitles them to the admiration and gratitude of their general. Nor should we withhold the tribute of our grateful thanks from that Being who rules the destinies of nations, and has, in the time of the greatest need, enabled us to avert a powerful invader, whilst devastating our country.

I have the honor to be,
With high consideration,
Your obedient servant,
SAMUEL HOUSTON,
Commander-in-chief.